

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

SHARONDA R. WALKER,

Plaintiff,

v.

Civil Action No. _____
Va Beach Circuit Court Case No. CL19001175-00

WAL-MART STORES EAST, LP

and

WALMART STORES, INC.,

and

WAL-MART SUPERCENTER
(Virginia Beach).

and

WALMART STORES #3216

Defendants.

NOTICE OF REMOVAL

Wal-Mart Stores East, LP, Walmart Stores, Inc., Wal-Mart Supercenter (Virginia Beach), and Walmart Stores #3216 (collectively, “Walmart”), by counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby file this Notice of Removal on the following grounds:

1. Plaintiff filed a Complaint in the Circuit Court of the City of Virginia Beach on or about February 27, 2019, seeking \$1,000,000.00 in compensatory damages against Walmart (**Exhibit A**). This is a personal injury action in which Plaintiff claims to have been injured at a Walmart store in Virginia Beach, Virginia on February 28, 2017, as a result of Walmart’s negligence.

2. The Plaintiff served Walmart's Registered Agent for the State of Virginia on July 5, 2019 (**Exhibit B**).

3. Walmart filed a timely Answer to the Complaint in the Circuit Court for the City of Virginia Beach (**Exhibit C**).

4. The Plaintiff did not file any documents or discovery in addition to the Complaint.

5. There have been no further proceedings in this action.

6. Upon information and belief, Plaintiff is a citizen of Virginia.

7. Wal-Mart Stores East, LP, is a Delaware limited partnership with its principal place of business in Bentonville, Arkansas.

i. Wal-Mart Stores East, LP, has two partners: Wal-Mart Stores East Management, LLC, and Wal-Mart Stores East Investment, LLC. Both are Delaware limited liability companies, with their principal place of business being in Bentonville at the time of filing this action and at the present time.

ii. The sole member of Wal-Mart Stores East Management, LLC is Wal-Mart Stores East, Inc., an Arkansas corporation with its principal place of business being in Bentonville, Arkansas at the time of filing this action and at the present time.

iii. The sole member of Wal-Mart Stores East Investment, LLC is Wal-Mart Stores East, Inc., an Arkansas corporation with its principal place of business being in Bentonville, Arkansas at the time of the filing of this action and at the present time.

8. Walmart Stores, Inc., renamed “Walmart, Inc.,” in 2017, is a Delaware corporation with its principal place of business in Bentonville, Arkansas.

9. Wal-Mart Supercenter (Virginia Beach) is a fictitious name of Wal-Mart Stores East, LP. Wal-Mart Supercenter (Virginia Beach) is not a proper business entity to be sued. To the extent Wal-Mart Supercenter (Virginia Beach) refers to Wal-Mart Stores East, LP, it is a Delaware limited partnership with its principal place of business in Bentonville, Arkansas.

10. Walmart Stores #3216 is neither a registered business entity nor fictitious name, it is merely the store number for the Walmart store located at 1149 Nimmo Parkway, in the City of Virginia Beach, Virginia. Walmart Stores #3216 is not a proper business entity to be sued. To the extent Walmart Stores #3216 refers to Wal-Mart Stores East, LP, it is a Delaware limited partnership with its principal place of business in Bentonville, Arkansas.

11. This action involves a controversy wholly between citizens of different states. There is complete diversity of citizenship.

12. The amount in controversy exceeds the jurisdictional limit of \$75,000.

13. This Court has original jurisdiction in this matter pursuant to 28 U.S.C. § 1332(a), and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441(a). Walmart desires to remove this action to this Court.

14. Pursuant to 28 U.S.C. § 1446 (b)(3), this Notice of Removal is filed “within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.”

15. Walmart has filed a positive Financial Interest Disclosure Statement.

16. Walmart has filed a Jury Demand.

WHEREFORE, Wal-Mart Stores East, LP, Walmart Stores, Inc., Wal-Mart Supercenter (Virginia Beach), and Walmart Stores #3216, by counsel, respectfully request that this action be removed from the Circuit Court of the City of Virginia Beach, Virginia, to this Court.

WAL-MART STORES EAST, LP, ET AL

/s/ _____
D. Cameron Beck, Jr. (VSB No. 39195)
Jonathan Gonzalez (VSB No. 92259)
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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 22 day of July, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. And I hereby certify that on this 22 day of July, 2019, a true and accurate copy of the foregoing was sent via U.S. mail and facsimile to:

T. Wayne Williams, Esq. (VSB No. 47537)
Williams Deloatche, P.C.
4928 West Broad Street
924 Professional Place, Suite B
Chesapeake, Virginia 23320
(757) 547-5555 Telephone
(757) 547-5515 Facsimile

and via U.S. mail to:

Hon. Tina E. Sinnen, Clerk
Virginia Beach Circuit Court
2425 Nimmo Parkway
Building 10 & 10B, 3rd Floor
Virginia Beach, VA 23456-9017

/s/ _____
D. Cameron Beck, Jr. (VSB No. 39195)
Jonathan Gonzalez (VSB No. 92259)
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